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Attorneys for Defendant
CHARTER COMMUNICATIONS, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN BEKKER,
Plaintiff,

vs.

CHARTER COMMUNICATIONS
LLC,
Defendant.

Case No. 3:17-CV-00202-HDM-
VPC

STIPULATED DISCOVERY
PLAN AND SCHEDULING
ORDER

SUBMITTED IN COMPLIANCE
WITH L.R. 26-1(b)

1 In accordance with the Local Rule 26-1 and Federal Rule of Civil Procedure
2 26(f), Plaintiff Benjamin Bekker ("Plaintiff") and Defendant Charter
3 Communications LLC ("Charter") (Plaintiff and Charter, collectively, the
4 "Parties") respectfully submit to the Court the following Stipulated Discovery Plan
5 and Scheduling Order.

6 **I. DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(F) AND**
7 **LOCAL RULE 26-1(B)**

8 **A. Rule 26(f)(3)(A): What changes should be made in the timing,**
9 **form, or requirement for disclosures under Rule 26(a), including a**
10 **statement as to when disclosures under subdivision (a)(1) were**
11 **made or will be made.**

12 The Parties agree to make the requisite initial disclosures under Federal Rule
13 of Civil Procedure Rule 26(a) at or within fourteen (14) days following the Rule
14 26(f) conference. The Rule 26(f) occurred on May 26, 2016, and The Parties intend
15 to make their initial disclosures no later than June 9, 2016.

16 **B. Rule 26(f)(3)(B): The subjects on which discovery may be needed,**
17 **when discovery should be completed, and whether discovery**
18 **should be conducted in phases or be limited to or focused upon**
19 **particular issues.**

20 **Charter** will serve document requests, interrogatories, and requests for
21 admissions on Plaintiff, take Plaintiff's deposition, the depositions of any experts
22 designated by Plaintiff, and the depositions of Plaintiff's treating physicians.
23 Charter reserves the right to conduct any additional discovery necessary to defend
24 itself in this action. The subjects on which discovery may be needed include: the
25 facts and circumstances around Charter's termination of Plaintiff's employment,
26 Plaintiff's alleged complaints that he sought a leave of absence under the Family
27 and Medical Leave Act and it was denied, the facts and circumstances surrounding
28 the alleged retaliatory termination against Plaintiff, Plaintiff's alleged damages, and
Plaintiff's efforts at mitigation of any alleged damages.

1 **Bekker** will serve document requests, interrogatories, and requests for
2 admissions on the Defendants, take depositions of Charter's employees and
3 management involved in this matter, and take the depositions of any experts
4 designated by Defendants. Bekker reserves the right to conduct any additional
5 discovery necessary to prosecute this action. The subjects on which discovery may
6 be needed include but are not limited to: the facts and circumstances surrounding
7 Charter's unlawful delay and/or denial of Bekker's Family Medical Leave Act
8 leave request, termination of Plaintiff's employment, and investigation into any
9 defenses raised by Charter, as well as any other discovery relevant to any additional
10 claims and/or defenses added in this matter via amendment of the pleadings.

11 **C. Local Rule 26-1(b)(1): Discovery Cut-Off Date**

12 Charter first appeared in the case on May 8, 2017, which is when it filed its
13 Answer with the Court. Under Local Rule 26-1(b)(1), the discovery cut-off date
14 would be November 6, 2017, which is one hundred eighty (180) days after Charter
15 first appeared.¹

16 **D. Local Rule 26-1(b)(2): Amending the Pleadings and Adding**
17 **Parties**

18 Pursuant to Local Rule 26-1(b)(2), the last date for filing a motion to amend
19 the pleadings is August 8, 2017, or ninety (90) days before the discovery cut-off
20 date.²

21 **E. Local Rule 26-1(b)(3): Disclosures (Experts)**

22 Pursuant to Local Rule 26-1(b)(3), disclosures concerning experts are to be
23 made by September 7, 2017, or sixty (60) days before the discovery cut-off date
24 and disclosures respecting rebuttal experts be made by October 9, 2017, or thirty
25 (30) days after the initial disclosures of experts.

26
27
28 ¹ One hundred eighty days after Monday, May 8, 2017 is Saturday, November 4, 2017. Pursuant to Fed.
R. Civ. P. 6(a), the deadline is continued to Monday, November 6, 2017.

1 **F. Local Rule 26-1(b)(4): Dispositive Motions**

2 Pursuant to Local Rule 26-1(b)(3), the Parties must file any dispositive
3 motions by December 6, 2017, or thirty (30) days after the discovery cut-off date.

4 **G. Local Rule 26-1(b)(5): Pretrial Order**

5 Pursuant to Local Rule 26-1(b)(5), the Parties must file their joint pretrial
6 order by January 5, 2018, or thirty (30) days after the date set for filing dispositive
7 motions. However, if any dispositive motions are filed, the date for filing the joint
8 pretrial shall be suspended until thirty (30) days after the decision on the dispositive
9 motions.

10 **H. Local Rule 26-1(b)(7): Alternative Dispute Resolution**

11 The Parties have meet and conferred regarding the use of alternative dispute
12 resolution processes and will participate in early neutral evaluation on July 25,
13 2017. If the matter does not resolve at that time, the Parties will meet and confer
14 regarding additional dispute resolution as this matter progresses.

15 **I. Local Rule 26-1(b)(8): Alternative Terms of Case Disposition**

16 The Parties have considered consent to that by a Magistrate Judge under 28
17 U.S.C. §636 and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General
18 Order 2013-01) and have agreed to proceed with the assigned judge in this matter.

19 **J. Rule 26(f)(3)(C): Any issues relating to disclosure or discovery of**
20 **electronically stored information, including the form or forms in**
which it should be produced.

21 The Parties do not anticipate any issues relating to disclosure or discovery of
22 electronically stored information. They agree timely to meet and confer and
23 address any such issues in the event they arise.

24 **K. Rule 26(f)(3)(D): Any issues relating to claims of privilege or of**
25 **protection as to trial-preparation material, including – if the**
26 **parties agree on a procedure to assert such claims after production**
– whether to ask the court to include their agreement in an order.

27 The Parties will execute a protective order, if necessary, to protect
28 confidential documents produced and/or subpoenaed from third parties. The Parties

1 do not anticipate any issues relating to claims of privilege or of protection as to
2 trial-preparation material. They agree timely to meet and confer and address any
3 such issues in the event they arise.

4 L. **Rule 26(f)(3)(E): What changes should be made in the limitations**
5 **on discovery imposed under the Federal Rules of Civil Procedure**
6 **or the Local Rules, and what other limitations should be imposed.**

7 The Parties agree that the number of depositions, interrogatories, and
8 requests for admission will be governed by the Federal Rules of Civil Procedure, as
9 well as the length of depositions unless the Parties stipulate otherwise or are
10 otherwise ordered by the Court based on a showing of good cause.

11 M. **Rule 26(f)(3)(F): Any other orders that should be entered by the**
12 **court under Rule 26(c) or under Rule 16(b) and (c).**

13 Except as otherwise specified herein, the Parties do not request any other
14 orders that should be entered by the Court under Rule 26(c), Rule 16(b), or Rule
15 16(c).

16 N. **Local Rule 26-1(b)(9): Electronic Evidence**

17 The Parties have met and conferred regarding the presentation of evidence in
18 an electronic format to jurors for the purposes of jury deliberations. The Parties
19 have agreed to timely meet and confer in the event that either party intends to use
20 electronic evidence. In the event that any party does, the parties will advise the
21 court and consult the court administrator.

22 **CERTIFICATION**

23 Pursuant to LR 26-1(b)(7), the Parties certify that they met and conferred
24 about the possibility of using alternative dispute resolution processes including
25 mediation, arbitration, and if applicable, early neutral evaluation. Early neutral
26 evaluation is set for July 25, 2017.

Pursuant to LR 26-3, the Parties have considered consent to trial by a magistrate judge, use of the Short Trial Program, and the use of alternative dispute resolution processes.

Dated: May 26, 2017 LAW OFFICES OF TERRI KEYSER-
COOPER

By /s/ Terri Keyser-Cooper
Terri Keyser-Cooper
Attorneys for Plaintiff
BENJAMIN BEKKER

Dated: May 26, 2017 LUKE ANDREW BUSBY, LTD.

By /s/ Luke Andrew Busby
Luke Andrew Busby
Attorneys for Plaintiff
BENJAMIN BEKKER

Dated: May 26, 2017 MORGAN, LEWIS & BOCKIUS LLP

By /s/ Kathryn T. McGuigan
Ingrid A. Meyers
Barbara A. Fitzgerald, Pro Hac Vice
Pending
Kathryn T. McGuigan, Pro Hac Vice
Attorneys for Defendant
CHARTER COMMUNICATIONS, LLC

ORDER
IT IS SO ORDERED


Hon. Valerie P. Cooke
U.S. Magistrate Judge

DATED: June 5, 2017